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**before the  
U.S. House Committee on Foreign Affairs  
Subcommittee on Asia, the Pacific and the Global Environment**

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**“Crimes Against Humanity: When Will Indonesia’s Military Be Held  
Accountable for Deliberate and Systematic Abuses in West Papua?”**

In November 2000 the Minister of Foreign Affairs commissioned the Institute of Netherlands History in The Hague to write a historical study about the transfer of West Papua from the Netherlands to Indonesia. It was felt that such a study was needed to inform a wider public on the subject and to prevent eventual misunderstandings in the discussions that were going on at the time. The job was given to me. Five years later the Dutch edition of the book was ready. An English translation was published in 2009 by Oneworld Publishers in Oxford under the title *An Act of Free Choice. Decolonization and the Right to Self-Determination in West Papua*. I have submitted a copy of this book to the Chairman of this honourable Committee for the record.

It must be noted here, that the Institute of Netherlands History accepted the commission on the condition that the author would have absolute freedom to write as he deemed best. Another condition was that he would have access to all information, available to the Netherlands Government and would have its full support for getting access to archives and other information, available in other countries as well. Such support was given indeed by the Governments and Archivists of the United States, Australia, Belgium and the United Kingdom. The Government of Indonesia, however, refused formal requests from the author to visit West Papua to interview Indonesian citizens of his choice. The author was also denied access to Indonesian government archives.

The book gives an overall picture of the history of west New Guinea—a territory that was only brought under effective rule of the Netherlands in the 20<sup>th</sup> century. The focus of the book is thus on the post war history of the territory. It explores West Papua’s exclusion from the transfer of sovereignty to Indonesia in 1949, the subsequent conflict with Indonesia, and the origins of the New York Agreement which was signed in 1962. The parties to this agreement decided to hand over the territory to Indonesia through the intermediary of a temporary United Nations administration. The New York Agreement stipulated that after a period of Indonesian rule there would be a plebiscite for the Papuans, in which they would be able to choose between permanent integration within the Indonesian state or not. That plebiscite, called the Act of Free Choice, had to be organized by Indonesia under the terms laid down in the New York Agreement, and carried out under the supervision of the United Nations. The Act of Free Choice took place in 1969, and it resulted in a unanimous vote in favour of permanent inclusion in Indonesia. None of the United Nations observers present in the field, nor observers from abroad, believed the result. The evidence allows for no other conclusion than that the outcome was in no way representative of the real feelings of the population. The selected Papuan voters - numbering just over one thousand people out of a population of nearly one million - opted for Indonesia under strong pressure from soldiers and

officials. Under the eyes of the United Nations the Act of Free Choice perpetuated an era of repression and deprivation for the Papuans that essentially continues until the present day.

In this story, a few points are relevant for the Hearing today.

1. The final period of Dutch administration between 1950 and 1962 was a somewhat belated effort in preparing the Papuans for self-determination. It led to the creation of a small, but rapidly expanding, young Papuan elite who entered the administration and educational system in increasing numbers. By 1960 over 4000 jobs in the lower and lower middle ranks of the Administration were occupied by Papuans. They developed a communal feeling and a nationalism of their own. Political life sprang up, and a National Committee decided for a flag and an anthem for the Papuans. Upon instigation of the Dutch, plans were developed for self determination in or around 1970. For the Papuan elite the entrance of the Indonesians shortly afterwards was a sudden shock, which made an end to their dreams of future independence. The Papuans felt like they had been betrayed by the world.

2. The New York Agreement was brought about under strong pressure from the United States. At the end of the Eisenhower Administration the State Department drafted a document that later formed the basis of the New York Agreement. U.S. officials first proposed the idea of an UN interim administration. Following insistence from the Kennedy White House in early 1962, serious negotiations were started up between the Indonesians and the Dutch. When these discussions reached an impasse, the old State Department proposals were suddenly put on the table by a U.S. diplomat named Ellsworth Bunker, who was operating as a United Nations mediator in close cooperation with the State Department and the White House. Following pressure from the Dutch some paragraphs on self-determination were added in, but they were weakly worded as a result of Indonesian pressure. There were certainly no clear plans for a plebiscite on the basis of universal suffrage and individual vote – which would have been hardly practicable in the isolated but densely populated highland areas. Instead the documents stipulated that an Indonesian-style Musjawarah, or “traditional consultation”, would be an essential part of the Act of Free Choice. This “consultation” allowed for manipulation from above. Thus, the foundations for the inadequate Act of Free Choice were already laid down in the agreement itself.

3. In 1962, when the New York Agreement was formulated, the Indonesians were in a position to put strong pressure upon the Dutch. The Republic of Indonesia had assembled, in the space of a few years, an impressive invading force. They had advanced weaponry, ships, and airplanes that had been supplied by both the Americans and the Russians. Earlier U.S. promises of military support for the Dutch, in case of an Indonesian attack, were played down gradually during the negotiations. The Dutch were thus confronted with a war that would have to be fought out without American support. Moreover, in the Netherlands itself a longing for better relations with Indonesia, its former and dearest colony, was growing stronger. This mixture of circumstances, arguments and sentiments forced the Dutch government to give in.

4. Under these conditions, the role of the military in the Indonesian victory of 1962 was undeniable and conspicuous. Indonesian soldiers were well aware of this. When given access to New Guinea in October 1962, they took possession of the territory in a spirit of a victorious occupational army. The Dutch slipped out under United Nations protection – and for them that was an advantage indeed. But the Papuans had to cope with the soldiers and the other Indonesian officials. From the beginning, the Indonesian army was the prime force in the administration of the territory. This administration was carried out in a very rough handed

way, with hardly any appreciation for the special character of Papuan worlds. For most Indonesians, West Papua was a place of banishment. Yet, in the beginning at least, they enjoyed taking over a comfortable colonial administration. The typewriters, the hospital equipment, and other elements of the basic infrastructure were taken away. Jobs of the Papuan elite were taken over, the educational system graded down, and the civil society of West Papua slipped down the road towards greater misery. After General Suharto became President of Indonesia, the new minister of Foreign Affairs, Adam Malik, visited the territory. Malik was shocked by the desolation he found there. The Javanese civil servants had robbed the country blind. Embitterment reigned everywhere, in the words of this Indonesian minister upon his return to Jakarta. Malik promised improvement, but in effect his government brought increasing military oppression. The first operations of the Papuan resistance had already started in 1965, and were countered by Indonesian soldiers with extreme violence. The number of victims is hard to determine, in large part due to lack of access to the territory by foreign observers. All together the casualties ran into thousands already by 1969. By most estimations the violence increased until 1985 and then slowed down afterwards. Yet it is still a harshly governed territory, but this is outside the scope of my book.